

OPINION

OP-ED

Five angry bosses

JIM NEWTON

IT'S PERFECTLY understandable that county supervisors are frustrated by the continuing travails of the Department of Children and Family Services. Its failings have profound consequences: children who die because they are left with abusive parents; children placed in foster care situations that are dangerous or even deadly. So the supervisors' impulse to hold the department accountable is commendable.

The lack of progress at DCFS is "completely unacceptable and frankly embarrassing," Supervisor Mark Ridley-Thomas told me last week. Ridley-Thomas' solution, which two of his colleagues joined him in approving, is to name a commission to study the county's handling of abused and neglected children and to report back in a little over six months with recommendations for improvement.

But is that really the best the supervisors can do? There's a case to be made on either side of the question. My colleagues on *The Times'* editorial board, for instance, supported the commission, arguing that it could give supervisors and the public insight into the state of the agency. "How can the public and the county supervisors know whether DCFS is on the reform track or if its problems are intractable?" the board

asked. "It's that question that a commission ... can answer."

I hope that's true, but there is another factor to consider when it comes to county government: The supervisors are hell on their top aides, and appointing this commission could well add to their reputation as a group of bosses who refuse to let their managers manage.

Some county department heads do OK — they keep a low profile and hope their agencies don't land in the news. But woe to the manager whose department comes under public scrutiny or criticism. That person can be assured of a public tongue-lashing by the board — Supervisor Gloria Molina's critiques are infamously withering — as well as a deluge of demands. Supervisor Michael D. Antonovich, meanwhile, is notoriously willing to dump on managers who bring embarrassment to the board.

In fact, no one on the board is a shrinking violet. Managers, then, need constantly to make sure they have the support of at least three supervisors or risk being pilloried, fired or both.

In the case of the DCFS, the agency's top official, Philip Browning, has only been on the job for a little over a year. When he took the post after serving for a time as interim director, he warned the supervisors that he believed it would take three years to turn it around. But now a board majority, reacting

For a change, the county supervisors ought to let their managers manage.

to the recent tragedy of a child's death, has decided it won't wait and opted for this commission.

That said, the commission itself may have promise: Ridley-Thomas has named two exceptionally qualified candidates — David Sanders, who once headed the DCFS, and Marilyn Flynn, dean of USC's School of Social Work — and other supervisors are contributing high-quality appointees as well. The larger message, though, is that even department heads who deliver exactly what they promised may soon have a board of inquiry combing their work.

That's partly why Supervisor Zev Yaroslavsky voted against the new commission. "We need to give the director the space to do what he was hired to do," Yaroslavsky said last week.

Yaroslavsky supported — in fact, proposed — a similar commission to investigate violence in Los Angeles jails, and that commission has been widely and properly praised for its work. But the supervisor argues that the jail commission

was different: Because Sheriff Lee Baca is an independently elected official, the supervisors have no authority to order him to make changes. The commission, then, was their best way to get his attention.

That's not true with respect to DCFS. There, the manager works for the board, and the supervisors can fire him at will.

Indeed, one question that the existence of this new commission raises is why a group of outsiders is needed to bring perspective to the agency when that's precisely what the board is supposed to have been doing all along. As Yaroslavsky ruefully put it: "We are the blue-ribbon commission."

This commission may do good work, and certainly the agency can use all the help it can get. But it also may make it harder to hire the next general manager of the next troubled department. If that's the case, the county will have addressed one problem, only to deepen another.

On another subject, this column will be taking a hiatus. Starting next week, I'll be on book leave, collaborating with former Defense Secretary, congressman and CIA Director Leon Panetta on his autobiography. I look forward to returning to *The Times* — and to this column — in the spring.

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Building a better jail

WED 7-18-13 LA Times

MOST PEOPLE agree that Men's Central Jail should be shuttered. The antiquated facility in downtown Los Angeles has been described as a dungeon where inmates and guards alike are in danger, where prisoners are packed in like sardines and where mental illness regularly goes untreated. But what should replace the jail has been the source of debate for nearly a decade.

The L.A. County Board of Supervisors finally appeared poised to answer that question in March, when it hired Vanir Construction Management Inc. to conduct a comprehensive study to determine exactly what was needed. On Tuesday, Vanir submitted its findings, along with five construction options that range in cost from \$1.3 billion to \$1.6 billion, all of which would include building a new mental health treatment center.

Unfortunately, Vanir failed to provide some crucial information that critics have long sought. It did not undertake a study, for instance, to determine how many beds the county jails will need in the years ahead based on the security classification of in-

mates, nor did it do a risk-assessment study to determine which inmates belong in the jails and which have mental health needs that would be better addressed by alternatives to incarceration.

Moreover, the Vanir report fails to identify whether cheaper and more effective options exist for pretrial inmates, who account for a large share of the current jail population. Nor does it consider whether the jail population could be reduced through reforms such as "split sentencing," which would allow nonviolent felons to serve a portion of time in jail and another portion in the community, under supervision by the Department of Probation, in return for mandated participation in rehabilitation programs.

We understand that the supervisors may be feeling an urgency to move forward on this long-delayed project. But approving a jail construction plan without a comprehensive, well-thought-out understanding of what is needed to fix the problem won't resolve the county's troubles. Fortunately, there is still time for the county to gather the information that is needed.

OP-ED

Cruel but not unusual

By Shane Bauer

IF THE CALIFORNIA Department of Corrections and Rehabilitation was as serious about reforming its use of indefinite solitary confinement as it says it is, nearly 30,000 inmates wouldn't have started on a hunger strike last week, with many thousands still refusing meals.

In October 2011, during the third week of another hunger strike involving some 12,000 prisoners, the department agreed to review the policy that lands thousands of people in its Security Housing Units, or SHUs, for long-term isolation.

These units are bleak. In Pelican Bay State Prison's SHU, which I have visited, most inmates live alone in a 7-by-11-foot cell without windows. They are allowed to exercise, alone, for an hour a day in a 16-by-25-foot cell with a plexiglass roof. They cannot make or receive phone calls or have contact visits with family or friends. They have no access to drug treatment programs and cannot attend religious services. The average inmate remains in isolation for 7½ years.

Some SHU inmates have committed heinous acts in prison, but a prisoner doesn't have to be violent to get put in the hole indefinitely. Until recently, all it took was evidence that the inmate was associ-

ated with one of a number of gangs, and the evidence had to satisfy only prison authorities; it was never reviewed by an external body or court.

The parameters for what constitutes gang activity can be arbitrary. In the thousands of pages of prisoners' case files I have reviewed, "evidence" of gang affiliation has included possession of prisoner-rights literature or books like Sun Tzu's "Art of War" or Machiavelli's "The Prince." It has included journal writings on African American history. Even use of the words *tio* and *hermano* — Spanish for "uncle" and "brother" — have been cited as evidence of gang affiliation.

A year ago when I checked the numbers, the majority of those serving indefinite SHU terms were not even considered to be gang members but rather "associates," which required only that they had been involved, at least periodically, with other gang members or associates.

About a year after the 2011 hunger strike, the corrections department began instituting reforms. The most noticeable change was that the minimum amount of time an inmate had to serve in the SHU was reduced from six years to four. They also began reviewing the cases of inmates currently in the

SHU. More than 200 of the nearly 400 inmates whose cases were reviewed were approved for transfer to the general population.

Since this process began, I have received some jubilant letters from inmates who are hopeful their day will come. One 68-year-old man I corresponded with, Stanley Sur-ray-Pete, is now relearning how to live among people for the first time in 39 years.

The reviews are an important step. But there is more to the story. When department officials cite the numbers of people being approved for release, they neglect to mention an important fact: SHU confinement has actually risen since the reforms were enacted.

According to official numbers I obtained from the corrections department, the population of the state's SHUs has risen 15% over the last year, to a current total of 4,527 across the state.

It's difficult to know the reason for the increase — the corrections department has not yet provided me with numbers that would answer that question. But one possibility might be that the new policy contains wording that vastly expands the number of people who can qualify for indefinite SHU terms.

A year ago, only seven gangs made the list of groups whose

members and associates qualified for indefinite SHU terms. Now, some 1,500 gangs are on that list, although affiliation with one of the original seven listed is more likely to land an inmate in indefinite SHU detention than affiliation with a gang considered less dangerous.

According to a list given to me by the corrections department last year, groups that qualify for the new "security threat group" designation include street gangs like the Bloods and the Crips as well as political groups like the Black Panthers.

Prison officials say that, since the last hunger strike, they have moved toward a "behavior-based" approach to SHU incarceration. While previously association with a gang was enough to earn an indefinite SHU term, now an associate must commit one or two (depending on the ranking of the gang) serious rule violations to land there.

But a close look at the new policy reveals that the department has changed the definition of "serious" rule violations. In the past, these violations would have been the kinds of things you'd expect: selling drugs, attacking another inmate, attempting to escape. Under the new policy, a serious rule violation can be the possession of self-made drawings, the wrong books

or anything that "depicts affiliation" with a security threat group — in other words, the kind of stuff that has always been used to lock people in the SHU.

This kind of trickery has angered a lot of prisoners, setting off protests much larger than those in 2011. Then, protesters focused explicitly on long-term solitary confinement. Now, the strikers are also calling for improved conditions across the board. At Corcoran, they want a pay raise from 13 cents to \$1 an hour. High Desert prisoners are demanding reinstatement of meaningful vocational training. Salinas Valley inmates are calling for the return of educational classes for high-security inmates. Everyone is demanding more nutritious food.

With so many participating in the current strike, fatalities seem likely. Prison officials should immediately begin discussions with strike leaders to find ways to improve conditions.

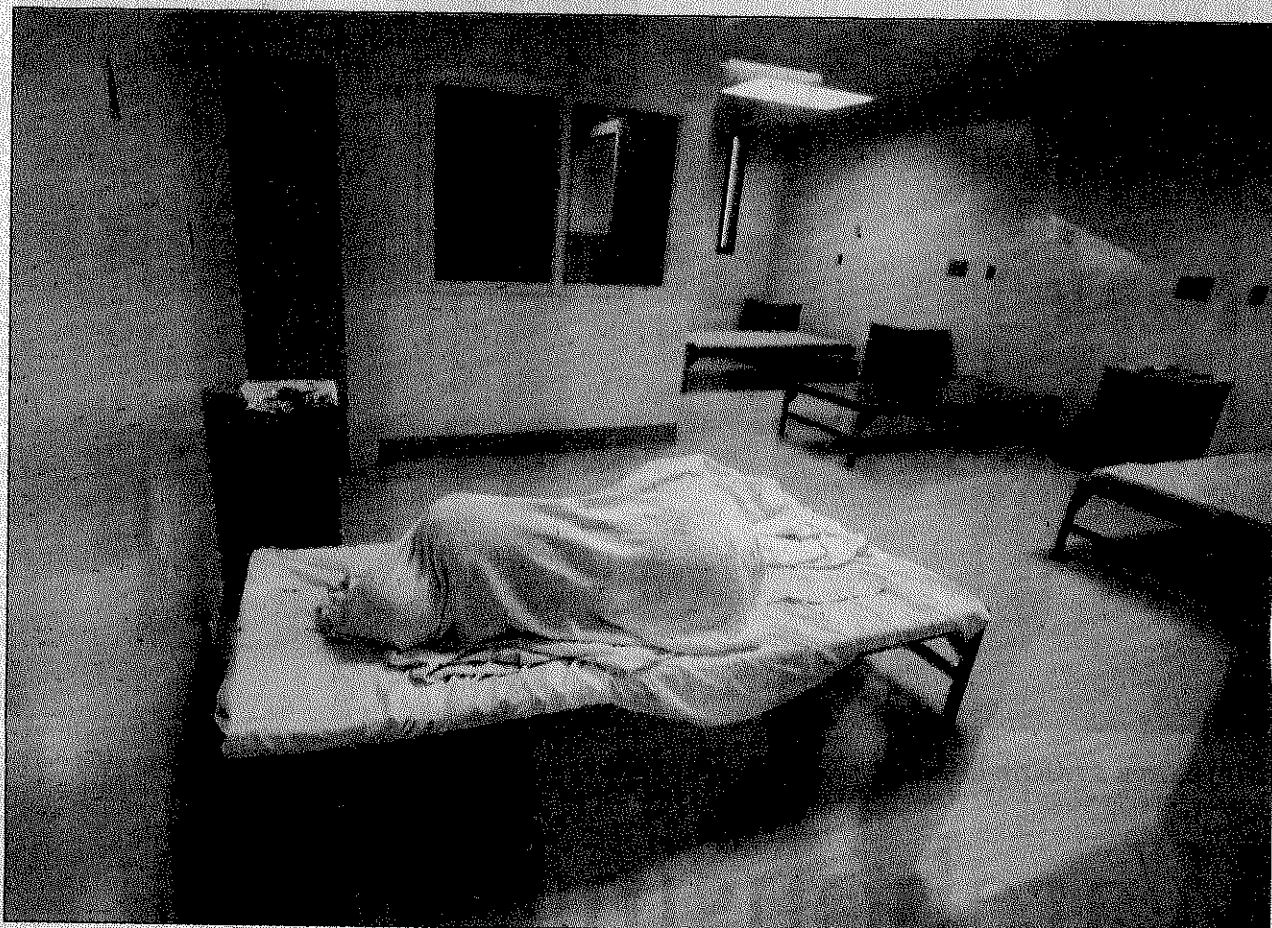
Agreeing to curb the use of solitary confinement as anything but a last resort would be a good start.

SHANE BAUER is an investigative journalist. He was held for 26 months (four of them in solitary confinement) in an Iranian prison after being arrested while hiking near the Iranian border with Iraq.

Los Angeles

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WEDNESDAY, JULY 17, 2013



ROBERT GAUTHIER Los Angeles Times

AN INMATE sleeps in the medical unit of L.A. County's Twin Towers jail in Los Angeles. Efforts to steer the mentally ill into treatment rather than incarcerating them have borne little fruit.

A crime against mentally ill

Thousands are in L.A. County jail; few get treatment they need

STEVE LOPEZ

If you routinely hear voices, hallucinate, sink into suicidal depression or suffer inescapable torment, Los Angeles has a place for you.

The county jail.

On Monday, the jail held 3,200 inmates diagnosed with a mental illness and accused of a crime. Most have not been to trial, many have waited months for their day in court, and the majority have cycled through at least once before. There's no longer enough room to house them all in segregated areas, so 1,000 mentally ill men and 300 women are housed with



the general population.

Sheriff Lee Baca has said for decades that he runs the nation's largest mental hospital, but we've heard it so often that the shock has worn off. We know there's something inexcusably wrong with the system — something backward and inhumane. But we shrug and move on, and the failure of public policy persists, at great public expense, while Los Angeles County officials order up another round of studies.

On the seventh floor of the Twin Towers, some of the most severely ill men stood in the locked single cells of a dorm-style bloc Monday, staring into space, banging on walls or howling. On the fifth floor, cells were filled

to capacity and bunks were squeezed into the common dining area to handle the overflow. Some of the bunks are two beds high, some three. Privacy and quiet do not exist for inmates or their jailhouse therapists.

If you're trying to figure out what makes for a desirable therapeutic environment, said Sara Hough, who runs the jail clinical program for the county Mental Health Department and takes pride in trying to deliver desperately needed care, "this ain't it."

County sheriff's Sgt. Julie Geary pointed out an inmate who thinks that he's Abraham Lincoln and that he's possessed by a spirit. Nearby was

[See Lopez, A2]



ROBERT GAUTHIER, Los Angeles Times

AN INMATE STANDS in his cell at Twin Towers, where the majority of the mentally ill are repeat offenders. Because of crowding, 1,300 of the 3,200 mentally ill offenders in the jail are housed in the general population.

Warehousing the ill

[Lopez, from A1] a man who's been in and out of jail so many times, Geary is on a first-name basis with him. "You're back," she recalled telling Herman. And she knows which inmates can be expected to complain that poisonous gas is being piped into their cells.

On the fifth floor, a 49-year-old inmate squatted and spoke to me through a small opening in a locked door. He was diagnosed with paranoid schizophrenia as a young man, he said. I asked how many different times he's been in jail since then.

"About 15," he guessed.

And the total amount of time he's been locked up?

"Sir, to be honest with you, about 27 years."

While I spoke to him, another middle-aged man kept gesturing through a window that he wanted to talk, too.

"Sir," he said, "I'm just trying to get into a drug program."

He rattled off a list of diagnoses he's received, including bipolar disorder and schizoaffective disorder. Like the 15-timer, he's been in jail so many times he could only guess at the number.

"About 10," he said.

Clearly, locking these men up over and over again isn't working, and it isn't cheap. But it's what the system has been doing for years in Los Angeles County and in jails and prisons across the country.

Therapists know it.

'The entire leadership' of the Sheriff's Department 'believes we've got to do something about this.'

— DAVID FENDER, commander, L.A. County Sheriff's Department

Judges know it, because they see the same offenders churn through their courtrooms, many of them for drug possession and minor offenses in which the underlying cause is often a mental illness. And jailers surely know it, though the problem is not of their making or of any other single agency's.

"We're on the same page here," sheriff's Cmdr. David Fender said Monday when I met with him and mental health officials at the jail. "The entire leadership" of the Sheriff's Department "believes we've got to do something about this."

No doubt, so what's the plan?

The county Board of Supervisors is pushing ahead, after years of delay, with plans to update jail facilities in hopes of fending off possible federal intervention following myriad reports of inmate abuse and deplorable conditions. Earlier this year, the supes

hired a consultant to make proposals for demolishing the dungeon-like Men's Central Jail, building a new facility in its place and updating other detention centers. At Tuesday's board meeting, five proposals were aired, including construction of a jail devoted entirely to inmates with medical and mental health problems.

But would that be a new direction, or the same failed strategy in a new and improved building? Even when inmates get counseling and meds in jail, the majority of them leave with no long-term recovery plan or supervision on the outside, so guess where they end up.

The costs of the proposals ranged from \$1.32 billion to \$1.62 billion, and no doubt some upgrades are needed. But several dozen demonstrators at the meeting called for no new jails, and many of them stepped to the mike to demand a greater investment in steering people out of detention.

One of the speakers, Marsha Temple, cited an earlier study recommending community treatment centers rather than incarceration for many of those with mental health problems. She points out that permanent supportive housing and treatment would offer a far better chance at recovery, and would cost a fraction of what it takes to throw someone into a jail cell.

"Why are we locking up people who are mentally ill?" Temple asked me rhetorically Tuesday afternoon,

her tone suggesting the practice is nothing short of barbaric. And she said declining birth rates and crime rates make her fear that more jail space will lead to more warehousing of those who ought to be in treatment rather than in jail.

Temple runs the L.A. nonprofit Integrated Recovery Network, which contacts inmates before their release, then follows them back out with supportive services like housing assistance, job training and mental health counseling. But her group can handle only a fraction of the need. Temple has been strategizing with judges, attorneys and treatment providers to push for similar services at the time of arraignment, with the goal of avoiding incarceration altogether, particularly for nonviolent offenders.

That's already being done on a small scale, with the county's Homeless Alternative to Living on the Streets program. But 3,200 people with a mental illness are behind bars (17% of the jail population).

That's shameful, and once you've looked into their eyes, you're haunted by the conviction that many of them are serving time for the crime of being afflicted. If the supervisors have trouble finding the will to do right by such a vulnerable, stigmatized population, maybe they should take one more tour of the nation's largest mental hospital.

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Editorial

Sterilizations put receiver on the spot

The federal receiver who oversees medical care in the California prison system has some explaining to do.

State Senate Republicans sent a letter last week requesting that the Senate Committee on Public Safety convene an oversight hearing to investigate at least 148 unapproved sterilizations of female inmates in state prisons from 2006 to 2010. That should happen.

The brief letter said the GOP senators "insist that the facts be made known so that those responsible may be held fully accountable."

Senate Republican Leader Bob Huff, R-Walnut, said in a press release, "These allegations are alarming. That they have occurred under the oversight of the federal Receiver's Office which is charged with improving medical care in our prison system is even more concerning."

That parallels a question our editorial board asked in a July 11 editorial in response to the sterilization revelations by the Center for Investigative Journalism: Why did the federal receiver ignore this unauthorized practice even though records show his office was aware of it?

The state Department of Corrections and Rehabilitation has confirmed that 148 tubal li-

gations were performed by contract doctors. At least 10 other women inmates have alleged that they were sterilized in other kinds of procedures.

The California Legislative Women's Caucus sent a letter seeking a response to the reports to Clark Kelso, the federal receiver.

"In our view, such practice violates constitutional protections against cruel and unusual punishment; protections that you were appointed to enforce," the 31-member caucus wrote to Kelso, saying that "pressuring a vulnerable population ... to undergo these extreme procedures erodes the ban on eugenics," which the Legislature passed in 1979 to put an end California's abysmal history of sterilizing large numbers of marginalized citizens.

Kelso, who has controlled the state prison system's medical care since 2006, needs to explain why his office did not intervene.

Gov. Jerry Brown has chafed under Kelso's control of prison medicine, complaining that he has demanded so many improvements that inmates now get better care than the state's citizens at large. It's hard to figure why Kelso's office ignored the unauthorized sterilizations of nearly 150 women prisoners.

How to have your say: We welcome letters on all issues of public concern. All are subject to editing and condensation, and they can be published only with the writer's true name. Letters must include the writer's home community and daytime telephone number for verification purposes. Please limit letters to 150 words.

WEN 7-17-13 LA Times

Men's jail could be replaced

L.A. County is studying a new facility and other system upgrades costing up to \$1.6 billion.

BY SEEMA MEHTA
AND ABBY SEWELL

Concerned that federal authorities could soon intervene in the operation of Los Angeles County's outdated jail system, the Board of Supervisors took a significant step Tuesday toward replacing the Men's Central Jail and renovating other facilities to reduce crowding and increase mental health services for prisoners.

The board voted unanimously to accept a report from consultants who outlined five jail renovation options.

All options included tearing down and replacing the cornerstone of the nation's largest jail system — the Men's Central Jail — and reconfiguring other existing facilities.

Supervisors were wary of the \$1.3-billion to \$1.6-billion price tag — if approved, it would be the county's largest building project ever. But they were more concerned about jail conditions prompting the federal government to wrest away control.

They repeatedly cited a similar dilemma facing state officials, who were ordered by federal judges earlier this year to release 9,600 prisoners or find another cure for overcrowding.

Supervisor Gloria Molina expressed concern that some of the county's jails now exceed crowding limits imposed on state prisons by federal courts.

"I think that that's a real threat and I think it would be a mistake not to think it's a real threat," she said during Tuesday's meeting. "While we are concerned about the cost here — which is a big cost — it is also a concern as to how much it is going to cost us if we were to get into a legal liability situation or find ourselves in a very similar situation to the state."

The county would borrow the money to pay for construction by issuing bonds to investors. And the interest cost would be paid from the existing general fund budget, so taxes would not increase as a result.

The consultant's options would leave capacity unchanged, but the designs would decrease crowding, while increasing access to

care for the mentally ill, drug addicts and alcoholics. The proposals would also create safer facilities, with new sightlines that would allow guards to better monitor the inmates, said Rob Nash, an architect with Vanir Construction Management.

The American Civil Liberties Union of Southern California criticized the proposals, and presented a separate analysis by consulting group JFA Institute.

[See Men's jail, AA4]

WEN 7-17-13 LATIMES.COM

Supervisors study new men's jail

[Men's jail, from AA1]

The JFA report agreed that the Men's Central should be torn down and also agreed that there should be emphasis on better serving inmates with severe medical and mental health problems. But the report said that the number of beds being estimated by Vanir was "excessive" and that it should have looked at alternatives to incarceration.

Esther Lim of the ACLU faulted the board for hiring a company that specializes in building jails to perform its analysis.

"It was not surprising that a construction company in its report proposed five options, all involving construction of new buildings," she said.

The board voted to accept the consultants' report, and to revisit the matter in four weeks. In the meantime, county officials were directed to answer questions about existing operations and to amend the agreement with Vanir so the firm can begin analyzing staffing and operational costs for the various proposals. Officials will also find out whether the county can use a \$100-million state grant now earmarked for a new women's facility at the Pitchess Detention Center to instead adapt existing facilities at Mira Loma to house female inmates.

County officials have been discussing modernizing the jails for years, but balked at a \$1.4-billion proposal put forth in 2011 by Sheriff Lee Baca, whose department operates the jails. The issue has taken on a new urgency as local officials have watched the federal government intervene in state prisons.

Supervisor Zev Yaroslavsky remained concerned about the price and questioned whether jail officials could reduce the inmate population without affecting public safety. He noted that crime in the county has been at a record low despite the fact that lower-level offenders were routinely not serving full sentences because of crowding or a shift in prisoners from state to county custody.

"The cost is giving me some sticker shock," he said, adding later that all parties recognized that something had to be done about conditions in the county's jails. "This is a train wreck waiting to happen," he said.

Molina was repeatedly skeptical of Baca, and said that if the county moves forward in building the new facilities, she would like to see the sheriff stripped of his authority to release prisoners early.

Dozens of protesters ob-

jected to the construction of any jails, standing with their backs to the supervisors during the meeting and urging them to use the money to fund community-based treatment rather than new jail space.

"We are adamantly against any jailing of people who have mental health issues," said Patrisse Cullors, lead organizer with the Coalition to End Sheriff Violence in L.A. Jails.

Board Chairman Mark Ridley-Thomas told the crowd that the county was spending money on community-based treatment, but had an obligation to fix its jails.

"Jails are clearly a necessity," he said. "The extent of what those jails are is another matter for debate. But there is a human rights component that cannot be ignored with respect to what jails look like and what services they are legally obliged to afford."

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San 1-14-13
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At least 148 women in prison were sterilized by doctors without proper authorization, officials confirm.

Legislators are calling for an investigation.

By PATRICK MCGREEVY
AND PHIL WILLON

SACRAMENTO — Dozens of women in California prisons were sterilized without the required approval of a state medical committee, officials said.

Some of the women say they felt coerced to undergo the surgery, and now state lawmakers are calling for an investigation.

"Pressuring a vulnerable population — including at least one documented instance of a patient under sedation — to undergo these extreme procedures erodes the ban on eugenics," the California Legislative Women's Caucus wrote in a letter to the federal receiver in charge of prison healthcare.

During a five-year period ending in 2010, at least 148 female inmates received tubal ligations that had not been approved, Joyce Hayhoe, a spokeswoman for the receiver, confirmed Friday. The allegations were first reported by the Center for Investigative Reporting.

Ten other women have alleged to the prisoner advocacy group Justice Now that they were sterilized improperly in procedures other than tubal ligation, including having their ovaries removed.

The operations were performed at outside hospitals and medical facilities by doctors under contract with the corrections department. Medical directors at the prisons recommended and approved the tubal ligations, Hayhoe said. Corrections officials found no evidence of sterilization performed on male prisoners.

She said the unauthorized sterilization involved inmates from the California Institution for Women in Corona and Valley State Prison in Chowchilla, and the operations were a clear violation of state law restricting procedures not considered medically necessary.

"Our physicians were not following the proper procedures," she said. "The first priority we had was to stop it from taking place, which we did in 2010."

In every case, the women involved signed a written consent form, Hayhoe said.
[See Sterilization, A31]

Officials confirm inmate sterilization

[Sterilization, from A27] although some women told The Times they felt pressured or misled into giving consent.

New procedures to limit sterilizations were implemented in 2010, Hayhoe said. Since then, there has been only one such surgery and it was ruled medically necessary, she added.

Kelli Thomas of Los Angeles was an inmate in Chowchilla when she went into surgery for a biopsy and to have two cysts removed. She gave the doctor permission to remove her ovaries if cancer was found, she said, but she told him she hoped it wouldn't be necessary.

Thomas said she told the doctor she wanted to have children when she left pris-

'I feel like I was tricked. I gave permission to do it based on a [cancer] diagnosis, and the diagnosis wasn't there.'

— KELLI THOMAS,

former inmate in Chowchilla prison whose ovaries were removed during surgery

on, where she served a sentence for voluntary manslaughter of a domestic partner she said was abusive.

Her medical records show that no cancer was found but her ovaries were removed, according to Cynthia Chandler, co-founder of Justice Now and a law professor at Golden Gate University, who reviewed the records.

"I feel like I was tricked,"

Thomas said. "I gave permission to do it based on a [cancer] diagnosis, and the diagnosis wasn't there."

Daun Martin, a licensed psychologist who was the medical administrator at Chowchilla from 2005 to 2007, said none of the tubal ligations done at the prison were improper or done under coercion.

"The women who had tubal ligations all signed consents. There was abso-

lutely no harassment or pressure," Martin said.

There was no intent to coerce the women into sterilization because of their race, ethnicity or troubled past, Martin said.

"Women should be allowed to make decisions regarding their body — in prison or out of prison," Martin said.

"Nobody at the prison had any intention of doing anything but what was in the

best interest of the women."

Martin acknowledged, however, having been unaware of the ban on tubal ligations not deemed medically necessary.

The legislative women's caucus, which represents 31 state lawmakers, has asked the receiver for a detailed report on the sterilizations.

"In our view, such practice violates constitutional protections against cruel and unusual punishment; protections that you were appointed to enforce," the caucus wrote.

Another group of lawmakers has asked the California Medical Board to investigate the physicians involved in unapproved sterilizations and "determine whether any disciplinary ac-

tions or license revocations are warranted."

Hayhoe declined to say whether disciplinary action was taken against the prison doctors who approved the tubal ligations, citing restrictions on releasing information about personnel matters.

But she said the doctors involved "are no longer employed" by the corrections department.

Prison officials said they have since briefed all prison medical directors and contract physicians about the restrictions on sterilizations and the need for prior consent.

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Men's jail to face wrecking ball, but replacement up in air

By Christina Villacorte

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Members of the county Board of Supervisors reluctantly conceded Tuesday that the dilapidated Men's Central Jail would have to be demolished, but they postponed voting on a replacement facility until a consultant analyzes its cost and whether the inmate population can

be reduced through "alternatives to incarceration."

Vanir Construction Management said the price tag for the Sheriff's Department's proposed jail plan ranges from \$1.37 billion to \$1.67 billion.

"That is a huge number," Supervisor Zev Yaroslavsky said. "We have to test the assumptions about how big of a facility we really need."

"We do have to replace Men's Central Jail," Supervisor Michael

Antonovich said. "The next steps are (figuring out) the facts and figures, staffing, cost of operation."

Hundreds of protesters with "No more jails!" printed on their orange shirts urged the supervisors to spend the money on education, job creation and other programs that can prevent people from turning to a life of crime in the first place.

"We are here to say 'no' to a \$1.4 billion construction project

and 'yes' to community services in our community," said Diana Zuniga of Californians United for a Responsible Budget.

After analyzing Sheriff Lee Baca's jail plan, Vanir recommended demolishing the half-century-old Men's Central Jail, where electrical and plumbing systems are breaking down and deputies don't have a direct line of sight into all the cells

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Daily Breeze

Jail

FROM PAGE 3

they're supposed to supervise.

It also called for building a minimum security facility called Women's Village at the Pitchess Detention Center in Castaic and, in downtown Los Angeles, the Consolidated Correctional Treatment Facility for the growing population of mentally ill inmates.

The least expensive option is to build the treatment facility and renovate the existing Mira Loma county jail to house female inmates.

The most expensive option is to build the treatment facility and Women's Village, and modernize Mira Loma.

ACLU of Southern California jails project director Esther Lim was critical of the plans.

"It's not surprising that a construction company in its report proposed several options, all involving construction costing billions," she told the board.

"Vanir is not an authority on looking at alternatives to incarceration, but an authority in designing correctional facilities."

Lim instead sided with prison expert James Austin, who believes the inmate population can be reduced by about 3,000 over the next two years through split sentencing — having inmates serve a portion of their sentence in jail and then be placed on probation — as well as pretrial home detention with electronic monitoring, treatment for nonviolent mentally ill inmates, and fire camps for those inmates capable of assisting the Fire Department.

Austin agreed with Vanir about the closure of Men's Central Jail, and construction of separate facilities for women and the mentally ill — though on a smaller scale costing only about \$500,000.

~~Jefferson, Nyla~~

From: Susan Burton <susan@anewwayoflife.org>
Sent: Tuesday, July 16, 2013 8:47 PM
To: Sybil Brand Commission; Jefferson, Nyla
Subject: Female inmates sterilized without required OK

Nyla here is the article I spoke about last week. if possible please make sure the commissioners get a copy tomorrow.

<http://www.sfchronicle.com/crime/article/Female-inmates-sterilized-without-required-OK-4650749.php>

Female inmates sterilized without required OK

Noah Berger, Center For Investigative Reporting

July 7, 2013

Doctors under contract with the California Department of Corrections and Rehabilitation sterilized nearly 150 female inmates from 2006 to 2010 without required state approvals, the Center for Investigative Reporting has found.

The women received tubal ligations in violation of prison rules during those five years - and there are perhaps 100 more dating back to the late 1990s, according to state documents and interviews.

From 1997 to 2010, the state paid doctors \$147,460 to perform the procedure, according to a database of contracted medical services for state prisoners.

The women were signed up for the surgery while they were pregnant and housed at the California Institution for Women in Corona (Riverside County) or Valley State Prison for Women in Chowchilla (Madera County), which is now a men's prison.

Former inmates and prisoner advocates say that prison medical staff coerced the women, targeting those deemed likely to return to prison in the future.

Crystal Nguyen, a former Valley State Prison inmate who worked in the prison's infirmary during 2007, said she often overheard medical staff asking inmates who had served multiple prison terms to agree to be sterilized.

"I was like, 'Oh my God, that's not right,' " Nguyen, 28, said. "Do they think they're animals, and they don't want them to breed anymore?"

One former Valley State inmate who gave birth to a son in October 2006 said the institution's OB/GYN, Dr. James Heinrich, repeatedly pressured her to agree to a tubal ligation.

"As soon as he found out that I had five kids, he suggested that I look into getting it done. The closer I got to my due date, the more he talked about it," said Christina Cordero, 34, who spent two years in prison for auto theft. "He made me feel like a bad mother if I didn't do it."

Ex-inmate Kimberly Jeffrey, with son Noel, 3, says prison staff asked if she wanted to be sterilized. Cordero, who was released in 2008 and lives in Upland (San Bernardino County), agreed. But she added: "Today, I wish I would have never had it done."

Banned in 1979

The allegations echo those made nearly a half-century ago, when forced sterilizations of prisoners, the mentally ill and the poor were commonplace in California. State lawmakers officially banned such practices in 1979.

During an interview with CIR, Heinrich said he provided an important service to low-income women who faced health risks in future pregnancies because of past cesarean sections.

The 69-year-old Bay Area physician denied pressuring anyone. Referring to the \$147,460 total, he said, "Over a 10-year period, that isn't a huge amount of money, compared to what you save in welfare paying for these unwanted children."

The top medical manager at Valley State Prison from 2005 to 2008 characterized the surgeries as providing inmates with the same options as women on the outside.

Daun Martin, a licensed psychologist, also contended that some pregnant women, particularly those who were on drugs or homeless, would commit crimes so they could return to prison for better health care.

California Department Of Corrections

The California Institution for Women in Corona was one of two state prisons where female inmates were sterilized without required state approvals. At least 148 women received tubal ligations in violation of prison rules from 2006 to 2010.

60 tubal ligations

"Do I criticize those women for manipulating the system because they're pregnant? Absolutely not," Martin, 73, said. "But I don't think it should happen. And I'd like to find ways to decrease that."

Martin denied approving the surgeries, but at least 60 tubal ligations were done at Valley State while she was in charge, according to the state contracts database.

Federal and state laws ban inmate sterilizations if federal funds are used, reflecting concerns that prisoners might feel pressured to comply. California used state funds instead, but since 1994, the procedure has required approval from top medical officials in Sacramento on a case-by-case basis.

But no request for tubal ligations has come before the health care committee responsible for approving such restricted surgeries, said Dr. Ricki Barnett, who tracks medical services and costs for the California Prison Health Care Receivership Corp.

The receiver has overseen medical care in all 33 of the state's prisons since 2006, when U.S. District Judge Thelton Henderson in San Francisco ruled that the system's health care violated the constitutional ban on cruel and unusual punishment.

The receiver's office was aware that sterilizations were happening, records show.

In September 2008, the prisoner rights group Justice Now received a written response to questions about the treatment of pregnant inmates from Tim Rougeux, then the receiver's chief operating officer. The letter acknowledged that the two prisons offered sterilization surgery to women.

But nothing changed until 2010, after the Oakland organization filed a public records request and complained to the office of state Sen. Carol Liu, D-La Cañada Flintridge (Los Angeles County). Liu was the chairwoman of the Select Committee on Women and Children in the Criminal Justice System.

Dodging restrictions

Prompted by a phone call from Liu's staff, Barnett said the receiver's top medical officer asked her to research the matter. After analyzing medical and cost records, Barnett met in 2010 with officials at both women's prisons and contract health professionals affiliated with nearby hospitals.

The 16-year-old restriction on tubal ligations seemed to be news to them, Barnett recalled. And, she said, none of the doctors thought they needed permission to perform the surgery on inmates.

"Everybody was operating on the fact that this was a perfectly reasonable thing to do," she said.

Martin, the Valley State Prison medical manager, said she and her staff had discovered the procedure was restricted five years earlier. Someone had complained about the sterilization of an inmate, Martin recalled. That prompted Martin to research the prison's medical rules.

Martin said she and Heinrich began to look for ways around the restrictions. Both believed the rules were unfair to women, she said.

"I'm sure that on a couple of occasions, (Heinrich) brought an issue to me saying, 'Mary Smith is having a medical emergency' kind of thing, 'and we ought to have a tubal ligation. She's got six kids. Can we do it?' " Martin said. "And I said, 'Well, if you document it as a medical emergency, perhaps.' "

Risky pregnancies

Heinrich said he offered tubal ligations only to pregnant inmates with a history of at least three C-sections. Additional pregnancies would be dangerous for these women, Heinrich said, because scar tissue inside the uterus could tear.

Former inmates tell a different story.

Michelle Anderson, who gave birth in December 2006 while at Valley State, said she'd had one prior C-section. Anderson, 44, repeatedly was asked to agree to be sterilized, she said, and was not told what risk factors led to the requests. She refused.

Nikki Montano also had had one C-section before she landed at Valley State in 2008, pregnant and battling drug addiction.

Montano, 42, was serving time after pleading guilty to burglary, forgery and receiving stolen property. The mother of seven children, she said neither Heinrich nor the medical staff told her why she needed a tubal ligation.

"I figured that's just what happens in prison - that that's the best kind of doctor you're going get," Montano said. "He never told me nothing about nothing."

But Montano eagerly agreed to the surgery and said she thinks it had a positive effect on her life.

Dr. Carolyn Sufrin, an OB/GYN at San Francisco General Hospital who teaches at UCSF, said it is not common practice to offer tubal ligations to women who've had one C-section. She confirmed that having multiple C-sections increases the risk of complications.

But even then, Sufrin said, it's more appropriate to offer women reversible means of birth control.

Lawsuits, a U.S. Supreme Court ruling and public outrage over eugenics and similar sterilization abuses in Alabama and New York spawned new requirements in the 1970s for doctors to fully inform patients.

Since then, it's been illegal to pressure anyone to be sterilized or ask for consent during labor or childbirth.

Still, Kimberly Jeffrey says she was pressured by a doctor while sedated and strapped to a surgical table for a C-section in 2010 during a stint at Valley State for a parole violation. Jeffrey, 43, was horrified, she said, and resisted.

'A straight panic'

"He said, 'So we're going to be doing this tubal ligation, right?' " Jeffrey said. "I'm like, 'Tubal ligation? What are you talking about? I don't want any procedure. I just want to have my baby.' I went into a straight panic."

Jeffrey provided copies of her official prison and hospital medical files to CIR. Those records show Jeffrey rejected a tubal ligation offer during a December 2009 prenatal checkup at Heinrich's office. A medical report from Jeffrey's C-section a month later noted that she again refused a tubal ligation request made after she arrived at Madera Community Hospital.

At no time did anyone explain to her any medical justifications for tubal ligation, Jeffrey said.

That experience still haunts Jeffrey, who lives in San Francisco with her 3-year-old son, Noel. She speaks to groups seeking to improve conditions for female prisoners and has lobbied legislators in Sacramento.

State prison officials "are the real repeat offenders," Jeffrey added. "They repeatedly offended me by denying me my right to dignity and humanity."

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